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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,926	11/17/2000	Robert Beach	A33366-072797.0129	6131

21003 7590 08/29/2003

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

GANTT, ALAN T

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 08/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,926

Applicant(s)

BEACH, ROBERT

Examiner

Alan T. Gantt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 9-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson.

Regarding claim 1, Wilson discloses a remote control with speech recognition for a processor-based system. The system also includes a microphone and speech engine for decoding spoken commands and providing code for presenting commands to the processor the processor based unit. Wilson meets the following limitations:

- providing a mobile unit having a microphone, a digital signal processor and a radio module for providing wireless data communications to a computer; (Figure 8, refs 64,66, 68, 150am 118, 114, 150, and col. 5, line 30 to col. 6, line 4)

- receiving first voice commands having a limited vocabulary in said mobile unit, recognizing said first voice commands in said digital signal processor and controlling said mobile unit in response to said first voice commands; (col. 3, lines 35-43 and col. 6, lines 11-24)
- receiving second voice commands in said mobile unit, converting, said second voice commands to digital data signals in said mobile unit and sending said digital data signals to said computer using said radio module; (col. 3, lines 35-43 and Abstract)
- operating said computer to recognize said second voice commands using a large vocabulary voice; recognition program to derive computer control signals therefrom. (col. 4, lines 35-43)

Regarding claim 2, Wilson meets the following limitations:

- wherein said controlling said mobile unit in response to said first voice commands comprises controlling said mobile unit to communicate with said computer. (col. 6, lines 11-24)

Regarding claim 3, Wilson meets the following limitation:

- operating said computer in response to said computer control signals. (col. 6, lines 11-30)

Regarding claim 7, Wilson discloses a remote control with speech recognition for a processor-based system. The system also includes a microphone and speech engine for decoding spoken commands and providing code for presenting commands to the processor

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the processor based unit. Wilson meets the following limitations for a mobile device, comprising:

- a microphone for receiving sound signals; (Figure 1, ref 126)
- an interface, connected to said microphone for converting received sound signals from said microphone to data signals; (Figure 8, refs 64,66, 68, 150am 118, 114, 150, and col. 5, line 30 to col. 6, line 4)
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- a radio module for sending wireless data communication signals; (Figure 8, refs 114, 150, and col. 5, line 30 to col. 6, line 4)
- a digital signal processor, said processor including a program for
- recognizing a limited number of digital data signals from said interface and operating in response thereto to control said radio, (2) operating said radio module to send digital data signals, and (3) providing; digital data signals corresponding to sounds from said microphone as data packets to said radio module. (Figure 8, refs 64,66, 68, 150am 118, 114, 150, and col. 5, line 30 to col. 6, line 4) and (col. 6, lines 11-30)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson.

Regarding claim 8, the examiner takes Official Notice that it is well known to compress digital audio data and it would have been obvious to modify Wilson to include a provision to compress the digital audio data to allow for more room to store a larger vocabulary.

Allowable Subject Matter

Claims 4-6 and 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 4, 5, and 9, a mobile unit, as called for in claim 1, that contained a speaker was neither found, suggested, nor made evident by the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seydoux et al. discloses a radio telephone voice control device in particular for use in a motor vehicle.

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached

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between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9314.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.



Alan T. Gantt



August 24, 2003